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August 30, 2016

VIA CM-ECF

Honorable Douglas R. Arpert, U.S.M.J.
Clarkson S. Fisher Federal Bldg. & U.S. Courthouse
402 E. State Street
Trenton, NJ 08608

**Re: Lawson, et al. v. Praxair, Inc., et al.
 Civil Action No. 3:16-cv-02435-BRM-DEA**

**American Guarantee & Liability Ins. Co. v. Praxair, Inc., et al.
Civil Action No. 3:16-cv-02436-BRM-DEA
[Consolidated]**

Dear Magistrate Judge Arpert:

We represent the Praxair Defendants ("Praxair") in the above-referenced consolidated matters.

I write pursuant to Local Rule 37.1(a)(1) to request a telephone conference with the Court to discuss the Lawson plaintiffs' cumulative and duplicative discovery requests. Initially, on July 20, 2016, the Lawsons propounded eight sets of 131 requests for production (totaling 1,048) and eight sets of 31 interrogatories (totaling 248) on 12 Praxair entities, a number of which are no longer in existence, are merely trade names, or have no involvement in the case, as Plaintiffs' counsel previously was advised. Similar requests were served on Western defendants. In response, Praxair conferred with Lawson in a good faith effort to resolve the issue on July 22, 2016.

On August 1, 2016, Praxair wrote to counsel for the Lawsons objecting to the requests as burdensome and duplicative and offered an alternative to formal discovery. *See* Exhibit A, August 1, 2016 Letter from Praxair's counsel J. Mishkin. The Lawsons' counsel responded on August 8, 2016 stating that they will essentially require full discovery prior to engaging in

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mediation, but that they would accept a list identifying requests that Praxair found objectionable. *See* Exhibit B, August 8, 2016 Letter from Lawsons' counsel T. Sheridan.

On August 16, 2016, Praxair sent a letter to counsel for the Lawsons objecting to those requests that seek information beyond the product at issue and joining in the Western defendants' August 3, 2016 letter identifying each of the requests that were redundant and repetitive. *See* Exhibit C, August 16, 2016 Letter from Praxair's counsel J. Mishkin; *see also* Exhibit D, August 3, 2016 Letter from Western's counsel E. Westenberger. Praxair also provided a proposed Stipulation of Dismissal Without Prejudice as to those entities that are no longer in existence, are merely trade names, or have no involvement in this case.

On August 18, 2016, the parties conducted a second meet and confer, during which the Lawson plaintiffs agreed to narrow discovery requests and serve the new discovery on a reduced number of Praxair entities. On August 19, 2016, Lawson sent revised requests for production consisting of nine sets of 111 requests, totaling 999 individual requests. The Lawson plaintiffs agreed to dismiss only three entities (out of the 12 requested by Praxair) despite representations that Praxair made to the court—in response to Plaintiffs' Motion to Remand based on lack of jurisdiction—and despite Praxair's offer of a dismissal without prejudice.

The Praxair defendants believe that discovery in this matter can and should proceed in a much more streamlined fashion, and certainly without involving extraneous entities. In comparison to plaintiffs' discovery, I note that the Praxair defendants, to date, addressed a total of 13 requests for production to the Lawson plaintiffs. We respectfully request a telephone conference with Your Honor to discuss the scope and number of discovery requests, without the need for more formal motion practice.

Thank you for your consideration of this request. Please contact me if you have any questions or need any additional information.

Respectfully,

s/ Georgette Castner

Georgette Castner

cc: All Counsel of Record (*via ECF*)